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FILED

APR 26 2001

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

C 01 1640JL

Case No.

COMPLAINT FOR INFRINGEMENT OF
U.S. PATENT NO. 6,185,683 B1

DEMAND FOR JURY TRIAL

INTERTRUST TECHNOLOGIES
CORPORATION,
a Delaware corporation,

Plaintiff,

v.

MICROSOFT CORPORATION, a
Washington corporation,

Defendant.

Plaintiff INTERTRUST TECHNOLOGIES CORPORATION (hereafter "InterTrust")
hereby complains of Defendant MICROSOFT CORPORATION (hereafter "Microsoft"), and
alleges as follows:

JURISDICTION AND VENUE

- 2 1. This action for patent infringement arises under the patent laws of the United States,
3 Title 35, United States Code, more particularly 35 U.S.C. §§ 271 and 281.
- 4 2. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).
- 5 3. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(c) and 1400(b).

THE PARTIES

7 4. Plaintiff InterTrust is a Delaware corporation with its principal place of business
8 at 4750 Patrick Henry Drive, Santa Clara, California.

9 5. InterTrust is informed and believes, and on that basis alleges, that Defendant
10 Microsoft is a Washington Corporation with its principal place of business at One Microsoft
11 Way, Redmond, Washington.

12 6. InterTrust is informed and believes, and on that basis alleges, that Defendant
13 Microsoft does business in this judicial district and has committed and is continuing to commit
14 acts of infringement in this judicial district.

15 7. InterTrust is the owner of United States Patent No. 6,185,683 B1, entitled
16 "Trusted and secure techniques, systems and methods for item delivery and execution" ("the
17 '683 patent"), duly and lawfully issued on February 6, 2001. A copy of the '683 patent is
18 attached hereto as Exhibit A.

CLAIM FOR RELIEF

20 8. InterTrust hereby incorporates by reference paragraphs 1-7 as if restated herein

21 9. This is a claim for patent infringement under 35 U.S.C. §§ 271 and 281

22 10. InterTrust is informed and believes, and on that basis alleges, that Microsoft has
23 been and is infringing the '683 patent under § 271(a) by making, using, selling, and offering for
24 sale digital rights management software incorporating inventions claimed in the '683 patent.
25 InterTrust is further informed and believes, and on that basis alleges, that Microsoft's
26 infringement of the '683 patent under §271(a) will continue unless enjoined by this Court.

27 11. InterTrust is informed and believes, and on that basis alleges, that Microsoft has
28 been and is knowingly and intentionally inducing others to infringe directly the '683 patent under

1 § 271(a), thereby inducing infringement of the '683 patent under § 271(b). InterTrust is further
2 informed and believes, and on that basis alleges, that Microsoft's infringement of the '683 patent
3 under §271(b) will continue unless enjoined by this Court.

4 12. InterTrust is informed and believes, and on that basis alleges, that Microsoft has
5 been and is contributorily infringing the '683 patent under § 271(c) by providing digital rights
6 management software and related functions especially made or especially adapted for infringing
7 use and not staple articles or commodities of commerce suitable for substantial noninfringing
8 use. InterTrust is further informed and believes, and on that basis alleges, that Microsoft's
9 infringement of the '683 patent under §271(c) will continue unless enjoined by this Court.

10 13. InterTrust is informed and believes, and on that basis alleges, that Microsoft is
11 willfully infringing the '683 patent in the manner described above in paragraphs 10 through 12,
12 and will continue to do so unless enjoined by this Court.

13 14. InterTrust is informed and believes, and on that basis alleges, that Microsoft has
14 derived and received, and will continue to derive and receive from the aforesaid acts of
15 infringement gains, profits, and advantages, tangible and intangible, the extent of which are not
16 presently known to InterTrust. By reason of the aforesaid acts of infringement, InterTrust has
17 been, and will continue to be, irreparably harmed.

PRAYER FOR RELIEF

19 WHEREFORE, InterTrust prays for relief as follows:

20 A. That Microsoft be adjudged to have infringed the '683 patent under 35 U.S.C. §
21 271(a);

22 B. That Microsoft be adjudged to have infringed the '683 patent under 35 U.S.C. §
23 271(b) by inducing others to infringe directly the '683 patent under 35 U.S.C. § 271(a).

24 C. That Microsoft be adjudged to have contributorily infringed the '683 patent under
25 35 U.S.C. § 271(c);

26 D. That Microsoft be adjudged to have willfully infringed the '683 patent under 35
27 U.S.C. §§ 271(a), (b), and (c).

28 E. That Microsoft, its officers, agents, servants, employees and attorneys, and those

1 persons in active concert or participation with them be preliminarily and permanently restrained
2 and enjoined under 35 U.S.C. § 283 from directly or indirectly infringing the '683 patent;

3 F. That this Court award damages to compensate InterTrust for Microsoft's
4 infringement, as well as enhanced damages, pursuant to 35 U.S.C. § 284;

5 G. That this Court adjudge this case to be exceptional and award reasonable
6 attorney's fees to InterTrust pursuant to 35 U.S.C. § 285

7 H. That this Court assess pre-judgment and post-judgment interest and costs against
8 Microsoft, and award such interest and costs to InterTrust, pursuant to 35 U.S.C. § 284; and

9 I. That InterTrust have such other and further relief as the Court may deem proper.

10
11
12 Dated: April 26, 2001

KEKER & VAN NEST, LLP

13
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15 By: 
16 JOHN W. KEKER
17 Attorneys for Plaintiff
INTERTRUST TECHNOLOGIES
CORPORATION

DEMAND FOR JURY TRIAL

2 Plaintiff InterTrust hereby demands a trial by jury as to all issues triable by jury,
3 specifically including, but not limited to, the issue of infringement of United States Patent No.
4 6,185,683 B1.

6 | Dated: April 26, 2001

KEKER & VAN NEST, LLP

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